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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:06 CR 20071-001

VS. : JUDGE MINALDI

RICARDO NICOLAS VAZQUEZ : MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER

Presently before the court is a Motion to Suppress filed by the defendant, Ricardo Nicolas Vazquez (Vazquez"). Vazquez requests that the court suppress all evidence seized as a result of the stop and search of the defendant's automobile on June 2, 2006. Vazquez alleges that the search was without warrant, without probable cause, and not allowable under any exception "to the require [sic] of warrant and probable cause."

The defendant does not allege that the initial stop on I-10 was illegal. He asserts that the Government must show by a preponderance of the evidence that either the defendant consented to the search or consent was obtained from a third party who had the ability to furnish consent. To this end, the Government attached to its answer a consent to search form executed by Vazquez. This form was executed by the defendant while being recorded on camera. The defendant was asked if he understood English, to which he responded affirmatively. Vazquez then voluntarily signed the consent to search form. Unless the defendant contends, and can supply the court with sufficient law to support his contention, that the video is not reflective of the actual events as they occurred on

June 2, 2006, prior to trial, the Motion to Suppress IS DENIED.

Lake Charles, Louisiana, this 12 day of September, 2006.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE